

REMARKS

In the Office Action, the Examiner rejected claims 18-22. By this paper, Applicants have amended claims 18-22 for clarification of certain features to expedite allowance of the claims. No new matter has been added. Upon entry of these amendments, claims 18-22 are pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Objections

In the Office Action, the Examiner objected to claim 21 “because of the following informalities: it appears that the claim should refer to ‘analyzing a *frequency* spectrum’ to more clearly set forth the invention.” Office Action, page 2 (emphasis in original). As indicated above, to expedite allowance of the present application, Applicants have incorporated the Examiner suggested change into claim 21 as well as into claim 18, which has been amended to include subject matter previously presented in claim 21. Applicants respectfully assert that these amendments do not narrow the scope of either of these claims. In light of these amendments, Applicants respectfully request withdrawal of the objection to claim 21.

Claim Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 18-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. *See* Office Action, page 2. Specifically, the Examiner stated:

The subject matter covered by claim 18 is unclear, as the phrase “by sensing whether the at least one sensor is secured to the living tissue” appears to imply that a physical measurement is performed wherein Applicant’s invention is directed to analyzing the data signal to decide/determine if the sensor is secured. That is, processing steps, not physical measurement steps, do the determination.

Id. Although Applicants believe that claim 18, as previously presented, was sufficiently clear and definite, Applicants have amended claim 18 to address the Examiner’s concerns. In particular, Applicants have amended claim 18 to recite “accessing whether the at least one sensor is secured to the living tissue.” Applicants respectfully assert, however, that this amendment does narrow the scope of claim 18. In light of this amendment, Applicants respectfully request that the Examiner withdraw the pending rejection of claim 18 under Section 112.

Allowable Subject Matter

In the Office Action, the Examiner stated that claim 21 would be “allowable of rewritten to overcome the objections and rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.” Office Action, page 3. Applicants would like to thank the Examiner for noting the potential allowability of this claim.

Although Applicants do not believe that the Examiner’s rejections were proper, Applicants have chosen to amend the claims to place the Application in condition for allowance.

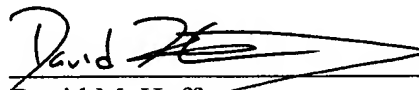
More specifically, independent claim 18 has been amended to include the subject matter of allowable claim 21. It will be appreciated, however, that in making these amendments, Applicants reserve the right to continue prosecution of the original claims in a continuation application.

Conclusion

Applicants respectfully submit that all pending claims are in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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